



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/604,880      | 06/28/2000  | Jeffrey Wheeler      | 95-427              | 6355             |

23164 7590 01/15/2003

LEON R TURKEVICH  
2000 M STREET NW  
7TH FLOOR  
WASHINGTON, DC 200363307

EXAMINER

GROSS, KENNETH A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2122

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/604,880

Applicant(s)

WHEELER ET AL.

Examiner

Kenneth A Gross

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Pratt (U.S. Patent Number 6,134,709).

In regard to Claim 1, Pratt teaches: (a) receiving a generic command from the user (Column 1, lines 22-24); (b) validating the command based on a command parse tree (Column 1, lines 40-42) having a corresponding command and action value component (Column 1, lines 24-28) and matching elements of the tree to the generic command (Column 1, lines 56-57); and (c) issuing a prescribed command based on the matched element (Column 1, lines 26-31). Claim 14 corresponds directly with Claim 1 and is rejected for the same reasons as Claim 1.

In regard to Claim 2, Pratt teaches that commands are made up of tokens (Column 1, line 12), and further teaches a table for associating user commands with acceptable commands (Column 1, lines 22-28), where the acceptable commands are seen as tokens. Pratt further teaches determining the presence of a matching token in the tree (Column 1, lines 40-42 and Column 2, lines (6-11)). Claims 11, 15, and 24 correspond directly with Claim 2 and are rejected for the same reasons as Claim 2.

In regard to Claim 3, Pratt teaches traversing the parse tree in the order of the command word (Column 1, lines 40-56). For example, the command "Go to the store" will be matched first on the root node of "go" and then further traversed for "to the store". Claims 12, 16, and 25 correspond directly with Claim 3 and are rejected for the same reasons as Claim 3.

In regard to Claim 4, Pratt teaches issuing the action based on the token that matched the command (Column 1, lines 22-31). Claims 13, 17, and 26 correspond directly with Claim 3 and are rejected for the same reasons as Claim 3.

In regard to Claim 5, the command tree as taught by Pratt can be seen as a translator that accepts a user's generic command and converting it into an action, this action representing the format that the management program needs in order to successfully run the action. Claim 18 corresponds directly with Claim 5 and is rejected for the same reasons as Claim 5.

In regard to Claim 6, Pratt teaches a 'best match' functionality for locating the best match of a user command on a command tree (Column 2, lines 6-11). Claim 19 corresponds directly with Claim 6 and is rejected for the same reasons as Claim 6.

In regard to Claim 7, Pratt teaches executing the prescribed command in the computer system (Column 1, lines 28-31). Claim 20 corresponds directly with Claim 7 and is rejected for the same reasons as Claim 7.

In regard to Claim 8, Pratt teaches a 'best match' functionality for locating the best match of a user command on a command tree (Column 2, lines 6-11). Claim 21 corresponds directly with Claim 8 and is rejected for the same reasons as Claim 8.

In regard to Claim 9, Pratt teaches executing the prescribed command in the computer system (Column 1, lines 28-31). Claim 22 corresponds directly with Claim 9 and is rejected for the same reasons as Claim 9.

In regard to Claims 10 and 23, Claims 10 and 23 correspond directly with Claims 1 and 5-9 and is rejected for the same reasons as these Claims.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt (U.S. Patent Number 6,134,709) in view of Carino Jr. et al. (U.S. Patent Number 5,864,843).

Pratt teaches a command parser in a computer system that recognizes commands and performs specific actions based on the parsed commands. However, Pratt teaches the device more as a natural language parser, and not a command system for management programs. Carino, however, does teach a system that accepts client commands and translates the commands into commands accepted by relational databases and object servers (see Abstract and Column 17, lines 42 and 43 and Column 18, lines 1-11). Hence, Carino teaches the system and environment for using a command parser to run a number of management actions and programs. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to develop a command parser in a computer system that recognizes commands and performs specific actions

Art Unit: 2122

based on the parsed commands as taught by Pratt, where the specific actions relate to the execution of management programs as taught by Carino, since this would allow an easy method of executing management programs in a computer system. For the other elements of Claims 1-26, see the 35 U.S.C. 102(e) rejections above.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Obendorf (U.S. Patent Number 6,405,209) teaches translating a parse tree into commands that can be recognized by component modules (Column 3, lines 51-56).

Lee (U.S. Patent Number 6,405,365) teaches a system for generating and parsing instructions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (703) 308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Application/Control Number: 09/604,880

Page 6

Art Unit: 2122

KAG

January 10, 2003